

## **REMARKS**

In response to the Office Action mailed on October 26, 2007, the Applicants request reconsideration based on the above claim amendments and the following remarks. Claims 1, 2, 5, 15, 17, and 18 have been amended and claims 19-20 have been canceled without prejudice or disclaimer. Support for the amended claims may be found on page 13, lines 15 through page 14, line 6 in the Specification. No new matter has been added. Claims 1-20 are pending in this application and also currently stand rejected. Applicants respectfully submit that the claims as presented are in condition for allowance.

### **Claim Rejections - 35 U.S.C. § 101**

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention was directed to non-statutory subject matter. Claims 1, 15, and 18 have been amended to specify that the attribute comprises a flag that detects the presence of the embedded executable code in the XML document, wherein the embedded executable code comprises at least one of an undesirable object and a property (or a virus – see amended claim 18), and wherein the flag enables the subsequent application to reject the embedded executable code within the XML document when the XML markup is being parsed by the subsequent application in searching for the presence of the attribute indicating the presence of the embedded executable code in the document. It is respectfully submitted that the amended claims produce a useful, tangible and concrete result in that they recite the use of flags to detect undesirable embedded executable code in an XML document and enable further enable the rejection of said undesirable embedded executable code within the document. Based on the foregoing, it is respectfully submitted that the rejection of the claims under 35 U.S.C. § 101 should be withdrawn.

**Claim Rejections - 35 U.S.C. § 102**

Claims 1-20 were rejected under 35 U.S.C. 102(a) as being clearly anticipated by Microsoft (Overview of WordprocessingML, hereinafter "*ML Overview*"). Claims 19-20 have been canceled without prejudice or disclaimer thereby rendering the rejection of these claims as moot. Based on the accompanying documents submitted herewith, Applicants respectfully submit that this rejection does not apply to the remaining claims and respectfully traverse this rejection as detailed below.

Submitted herewith is a declaration under 37 C.F.R. § 1.132 attesting to the fact that at least the relevant subject matter in *ML Overview* is a derivation of the Applicants' own work (as evidenced by Exhibits A-I attached thereto) and that the Applicants invented at least the relevant subject matter disclosed in *ML Overview*, including, but not limited to, the subject matter discussed in the following paragraphs cited in the Office Action mailed on October 26, 2007: page 3, first paragraph; page 27, first paragraph; page 27, second paragraph; page 27, second to last paragraph; page 27, last paragraph; page 28, second paragraph, pursuant to *MPEP* sections 715.01(c)II, 716.10, and 2132.01.

Based on the foregoing, the Applicants hereby submit that a *prima facie* case is made out that at least the relevant subject matter in *ML Overview* was derived from the Applicants and invented by the Applicants. Therefore, *ML Overview* is disqualified as prior art under 35 U.S.C. § 102(a). Accordingly, Applicants respectfully request withdrawal of this rejection of Claim 1-20 because *ML Overview* is not prior art.

**CONCLUSION**

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicants' attorney at the number listed below.

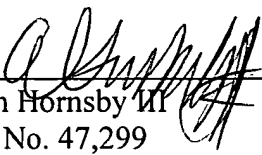
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.

Date: April 28, 2008

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